IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 19TH JUNE 2007 / 29TH JYAISHTA 1929

CRL.A.No. 491 of 1999()

AGAINST THE ORDER OF THE JUDICIAL FIRST CLASS MAGISTRATE COURT , PATTAMBI DT. 31.7.97 IN ST.785/1997 .

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APPELLANT:

NARAYANAN NAMBIAR, S/O.AMMALU APPISI, KARUTHEDATH HOUSE, NAGALASSERY, OTTAPALAM TALUK, PALAKKAD DISTRICT. (COMPLAINANT BEFORE THE COURT BELOW)

BY ADV. SRI.RAMACHANDRAN
SRI.K.MANU RAJ

RESPONDENT:

K.P.MANI, KALATHIL PARAMBIL HOUSE, KOTTARAM P.O.VALANCHERRY (6765520 , MALAPPURAM DISTRICT(ACCUSED BEFORE THE COURT BELOW)

BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 19/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R. UDAYABHANU, J.

Crl. A. No.491 of 1999

Dated 19th June, 2007

JUDGMENT

The appellant is the complainant who had initiated proceedings under section 138 N.I.Act. The same stands dismissed at the threshold on the ground that the notice is defective. The court had relied on the decision in Raj v. Rajan (1997 (1) KLT 302).

2. Evidently, the above decision is no longer good law in view of the Division Bench decision of this Court in Kunjan Panicker v. Christudas (1997(2) KLT 539) . In the circumstances, the order of the court below is set aside. The court below is directed to permit the appellant to further proceed with the matter. The appellant shall appear before the court below on 23-7-2007.

The Crl.R P is disposed of accordingly.

K.R.UDAYABHANU,
JUDGE.

Kvm/-

Kvm/-